

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**DANIEL MARTINEZ,**

**Plaintiff,**

**v.**

**No. 18-cv-0480 RB/SMV**

**MARTIN YACKEL,**

**Defendant.**

**ORDER TO SHOW CAUSE**

THIS MATTER is before the Court on Defendant Martin Yackel's Motion to Compel, filed on December 6, 2018. [Doc. 23]. Plaintiff responded on December 18, 2018. [Doc. 24]. In the Response, Plaintiff's counsel stated that, after Plaintiff moved to Colorado, he experienced difficulty in reaching his client. *Id.* at 1–2. Despite counsel's warnings to Plaintiff that failure to respond to discovery could result in dismissal, Plaintiff has not responded to his counsel's attempts to contact him. *Id.* at 2. Plaintiff's counsel states now that he cannot in good faith object to the Motion to Compel or even respond to both the Motion and Defendant's requests for production and interrogatories. *Id.* Plaintiff's counsel claims that he "does not believe that he has an ethical duty to continue to pursue this matter." *Id.* Accordingly, Plaintiff must show good cause within 30 days why his claims should not be dismissed under Fed. R. Civ. P. 41(b) (failure to prosecute), Fed. R. Civ. P. 37(d)(1)(A)(ii) (failure to respond to interrogatories), or the Court's inherent authority to dismiss a case, *see Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–32 (1962).

**IT IS THEREFORE ORDERED** that Plaintiff show cause no later than **January 18, 2019**, why his claims should not be dismissed without prejudice.

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**